

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

BONNIE MARIE ALLISON,)
)
Plaintiff,)
)
v.) Civil No. 1:20-CV-00397
)
KILOLO KIJAKAZI¹,)
Acting Commissioner of Social Security,)
)
Defendant.)
)

ORDER

This matter is before the Court on Plaintiff's Motion for Judgment on the Pleadings (Doc. No. 12) and Defendant's Motion for Remand to the Acting Commissioner (Doc. No. 14). Plaintiff, through counsel, consents to Defendant's Motion for Remand to the Acting Commissioner.

IT IS THEREFORE ORDERED that for good cause shown, the Court hereby GRANTS Defendant's Motion for Remand (Doc. No. 14), REVERSES the Acting Commissioner's decision under sentence four of 42 U.S.C. § 405(g), and REMANDS the case to the Acting Commissioner for further administrative proceedings. See Shalala v. Schaefer, 509 U.S. 292 (1993); Melkonyan v. Sullivan, 501 U.S. 89 (1991). Plaintiff's Motion for Judgment on the Pleadings (Doc. No. 12) is DENIED AS MOOT.

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

IT IS FURTHER ORDERED that the Clerk of the Court is directed to enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure and CLOSE THE CASE.

IT IS SO ORDERED.

Signed: October 4, 2021


Frank D. Whitney
United States District Judge